

# **EXHIBIT M**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
STALIN RODRIGO REYES ESPINOZA,

PLAINTIFF,

-against-

Index No.:  
515197/19

DAVS PARTNERS, LLC and KALNITECH  
CONSTRUCTION COMPANY,

DEFENDANTS.

-----X

DATE: May 11, 2022

TIME: 12:35 P.M.

EXAMINATION BEFORE TRIAL of the  
Defendant, KALNITECH CONSTRUCTION COMPANY,  
By KOSTAS STOUPAKIS, taken by the Respective  
Parties, pursuant to a Court Order, held via  
videoconference, before Rivka Trop, a Notary  
Public of the State of New York.

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221. UNIFORM RULES FOR THE  
CONDUCT OF DEPOSITIONS

221.1 Objections at Depositions

(a) Objections in general. No objections shall be made at a deposition except those which, pursuant to subdivision (b), (c) or (d) of Rule 3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance with subdivision (e) of such rule. All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.

(b) Speaking objections restricted. Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination persons in attendance shall not make statements or comments that interfere with the questioning.

221.2 Refusal to answer when objection is made A deponent shall answer all questions at a deposition, except (i) to preserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question, the examining party shall have the right to complete the remainder of the deposition.

221. UNIFORM RULES FOR THE  
CONDUCT OF DEPOSITIONS

221.3 Communication with the deponent

An attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the question should not be answered on the grounds set forth in section 221.2 of these rules and, in such event, the reason for the communication shall be stated for the record succinctly and clearly.

IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary Public with the same force and effect as if signed before a clerk or a Judge of the court.

IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived and the appropriate sections of the CPLR shall be controlling with respect hereto.

IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.

1 K. STOUPAKAS

2 K O S T A S S T O U P A K A S, called as a  
3 witness, having been first duly sworn by a  
4 Notary Public of the State of New York, was  
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. GASTMAN:

8 Q. Please state your name for the  
9 record.

10 A. Kostas Stoupakis.

11 Q. Where do you reside?

12 A. 204-19 24th Avenue, 23rd Avenue,  
13 Bayside, New York 11360.

14 THE COURT REPORTER: Would you  
15 like a copy of the transcript?

16 MR. RICHMAN: Yes.

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. My name is Gregory Gastman. I am  
20 an attorney with the law firm of Gorayeb &  
21 Associates. But today, myself and my firm  
22 represent a construction worker, maybe you  
23 know him, maybe you don't, his name is  
24 Stalin Rodrigo Reyes Espinoza.

25 I am going to ask you a few

1 K. STOUPAKAS

2 questions about his accident on June 28th,  
3 2019. There are a few ground rules for  
4 these type of sessions, forgive me if you  
5 heard these a million times before, they  
6 make me say them again.

7 A. No problem.

8 Q. My questions are designed to be  
9 straightforward, but it doesn't always work  
10 out. So if any question is not understood,  
11 stop me and tell me, Greg, I don't  
12 understand, and I am happy to rephrase  
13 anything for you.

14 A. Okay.

15 Q. We tell all witnesses, no guessing  
16 allowed, if you hear a question and you  
17 don't know the answer, you are allowed to  
18 say I don't know, okay?

19 A. Yes.

20 Q. Sometimes witnesses have an answer  
21 and it is not exact, exact, it is an  
22 approximation. Sir, that would be fine. We  
23 only ask if you are approximating, you just  
24 let us know you are approximating, okay?

25 A. Yes.

1 K. STOUPAKAS

2 Q. Thank you, sir, common examples of  
3 when witnesses might approximate on these  
4 kind of cases, it might be a date, a  
5 distance, a time, these are okay?

6 A. Okay.

7 Q. If you need a break for any human  
8 reason, at any time, you just say so and you  
9 take your break, okay?

10 A. No problem.

11 Q. If you need to speak to your  
12 attorney privately at any point, that's  
13 perfectly fine, just say so, okay?

14 A. Yes.

15 Q. I am not allowed to ask you about  
16 any conversations you had with your lawyers,  
17 so leave that off to the side somewhere,  
18 okay?

19 A. Okay.

20 Q. You are in New York, we could have  
21 a whole conversation just using our hands  
22 and our head as I am demonstrating now,  
23 however, madam reporter has a very essential  
24 job, we are making a written record of our  
25 questions and our answers, so we all have to



1 K. STOUPAKAS

2 use our words when we are talking and when  
3 we are communicating so it gets captured in  
4 the record, okay?

5 A. Correct.

6 Q. I am fine if you wave around and  
7 move around, that's fine, of course, but you  
8 have to use your words, because that's what  
9 will be your official record today.

10 A. Yes.

11 Q. I think that's about it, if  
12 anything comes up during the session, just  
13 let us know, okay?

14 A. Okay.

15 Q. I am going to ask you a few  
16 questions. I am going to give road maps  
17 about what I am going to ask so you know  
18 what is coming. I will ask you a few  
19 questions about where you are, who might be  
20 around and then I will ask you about the  
21 case, okay?

22 A. Okay.

23 Q. Thank you, sir.

24 At the present time, are you at  
25 home, are you at work, are you at a lawyer's

1 K. STOUPAKAS

2 office, where are you, sir?

3 A. I am at work.

4 Q. Are you alone in the space where  
5 you are right now?

6 A. Yes.

7 Q. Witnesses have to speak for  
8 themselves without other people helping. So  
9 we are going to ask, you have please to shoe  
10 away anybody that comes your way, okay?

11 A. No problem.

12 Q. Thank you, sir. You are not  
13 allowed to interact with other people in the  
14 middle of the session, okay?

15 A. That's fine.

16 Q. Sir, again, I am not going to ask  
17 you what you spoke about with your lawyer, I  
18 am not going to ask you about that, sir.  
19 Instead, I am going to ask you, did you  
20 review anything to get ready for today's  
21 session, eyes on, papers, anything, computer  
22 screens, document, anything?

23 A. No, not really.

24 Q. Are you coming in cold?

25 A. Yes.

1 K. STOUPAKAS

2 Q. Sir, I am going to mention a  
3 couple of company names, I will ask you if  
4 you know them, if you are part of them, that  
5 will be my next few questions.

6 A. Okay.

7 Q. Are you familiar at all with a  
8 company called Kalnitech Construction  
9 Company?

10 A. Yes.

11 Q. Sir, have you ever been an owner  
12 of that company or an employee of that  
13 company or connected to that company  
14 somehow?

15 A. I am the owner of the company.

16 Q. Thank you, sir.

17 Can you tell us, approximately,  
18 just approximately, sir, how long have you  
19 been the owner, approximately?

20 A. I think I started in 2017.

21 Q. And for people not familiar with  
22 this company, can you tell us, please, what  
23 is the general nature of the business? What  
24 type of work does that company do?

25 A. Residential, commercial.

1 K. STOUPAKAS

2 Q. Is this general contracting work  
3 or something different?

4 A. Some general construction, some  
5 sub-work.

6 Q. Sometimes general contracting, and  
7 sometimes subcontracting work, both are  
8 correct?

9 A. Yes.

10 Q. Sir, are you familiar at all with  
11 a construction project back in 2019 located  
12 at 217-14 Hempstead Avenue, somewhere in  
13 Queens?

14 A. Yes.

15 Q. Was Kalnitech, the company, were  
16 they involved in that project in one way or  
17 another somehow?

18 A. Yes.

19 Q. Thank you, sir.

20 For people unfamiliar with this  
21 project, could you tell us, please, what was  
22 the general nature of the project? So for  
23 example, was this new construction, was this  
24 renovation of an existing building or you  
25 tell me?

1 K. STOUPAKAS

2 A. Renovation of an existing  
3 building.

4 Q. And for people not familiar with  
5 this project, sir, would it best be  
6 described as a residential building or a  
7 hospital or a warehouse or a school, you  
8 tell me what kind of building, sir?

9 A. Warehouse office.

10 Q. And sir, this was a renovation  
11 project?

12 A. Yes.

13 Q. For people not familiar with the  
14 building or buildings, sir, this project, is  
15 it one building or multiple buildings or you  
16 tell me?

17 A. It is one building.

18 Q. And sir, for people not familiar,  
19 what is an easy way of describing this  
20 building, is it a one-story building, is it  
21 a high-rise?

22 A. It is a one-story building with a  
23 basement.

24 MR. GASTMAN: Thank you, sir.

25 Q. If you recall, this building, is

1 K. STOUPAKAS

2 it in the middle of a block somewhere, is it  
3 on a corner or is it better described some  
4 other way?

5 A. The middle of the block.

6 Q. And sir, could you tell us,  
7 please, what part of Queens, was this on  
8 Hempstead Avenue, do you remember what part  
9 of Queens this was?

10 A. I think it is called Queens  
11 Village.

12 Q. And sir, for this particular  
13 project, the Hempstead Avenue project, well,  
14 actually, let me withdraw that and ask a  
15 question just to make sure we are all clear  
16 here.

17 Sir, with regard to Kalnitech, the  
18 company and construction projects on  
19 Hempstead Avenue in 2019, is there just one  
20 project like that, sir, or were there more  
21 than one project for Kalnitech on that road?

22 A. No, just one.

23 Q. Thank you. So if I talk about the  
24 project, the Hempstead Avenue project, we  
25 are on the same page, right, just one

1 K. STOUPAKAS

2 project?

3 A. Correct.

4 Q. Thank you, sir.

5 And this is the one-story  
6 warehouse office type building?

7 A. Yes.

8 Q. Sir, for this particular project,  
9 was Kalnitech hired by way of some sort of  
10 like, written agreement, a contract?

11 A. No, not really.

12 Q. Were there maybe proposals that  
13 went back and forth, did it go like that?

14 A. Proposals in as far as what?

15 Q. I apologize, sir, thank you for  
16 stopping me.

17 Sir, I am just trying to figure  
18 out what type kind of paperwork there might  
19 have been between Kalnitech, the company and  
20 whoever hired Kalnitech for this project,  
21 there was a contract, yes or no?

22 A. No.

23 Q. Was it more of an oral agreement  
24 or was it written in some other way?

25 A. More oral.

1 K. STOUPAKAS

2 Q. Sir, were you the gentleman, were  
3 you the person on behalf of Kalnitech who  
4 was negotiating this agreement with whoever  
5 hired you?

6 A. Yes.

7 Q. Thank you, sir.

8 Do you remember, who was it, who  
9 was on the other side, the owner or whoever  
10 was hiring you people, who were you dealing  
11 with?

12 A. David Kleeman.

13 Q. From your point of view, do you  
14 connect Mr. Kleeman, with the owner of the  
15 property or was he something different than  
16 that?

17 A. No, he was the owner of the  
18 property.

19 Q. Thank you, sir. I want to ask you  
20 about a different company, have you ever  
21 heard of a company called A.S.K., A.S.K.  
22 Electrical Corporation?

23 A. Yes.

24 Q. Do you know one way or the other,  
25 was this company, A.S.K. Electrical, were



1 K. STOUPAKAS

2 they involved in any way at this project,  
3 for example, were they an owner, a tenant, a  
4 construction company, were they involved in  
5 some way?

6 A. Well, David Kleeman is A.S.K.  
7 Electric.

8 Q. So you associate Mr. Kleeman with  
9 the owner of the building and you associate  
10 him with the company, A.S.K. Electrical;  
11 would that be fair?

12 A. Correct.

13 Q. Thank you, sir.

14 Sir, the renovation job that we  
15 are talking about, sir, do you know, was  
16 this done for A.S.K. Electrical or was  
17 A.S.K. Electrical maybe a former tenant; do  
18 you know?

19 A. Can you hold on a second.

20 Q. Sir, with regard to that company  
21 A., s.K. Electrical Corporation, sir, do you  
22 know one way or the other, was this the  
23 tenant that space was being built for or was  
24 that the old tenant or do you know?

25 A. The space was being built out for

1 K. STOUPAKAS

2 A.S.K. Electric.

3 Q. Sir, do you remember, do you know  
4 what kind of company, what was in there  
5 before this renovation project; do you know,  
6 sir?

7 A. I don't know.

8 Q. Let me ask you, this, sir, if you  
9 know, the company before A.S.K. Electrical,  
10 was it an electrical company or was it  
11 something completely different or you don't  
12 know?

13 A. I don't know.

14 Q. I am going to ask you a few  
15 questions next about you and Mr. Kleeman and  
16 then I will ask you about the project, okay?

17 A. Okay.

18 Q. Thank you, sir.

19 When Mr. Kleeman hired Kalnitech  
20 to assist with this project, was this the  
21 first work Kalnitech was doing for  
22 Mr. Kleeman or had there been other work in  
23 the past?

24 A. This was the first project that  
25 Kalnitech had done with.

1 K. STOUPAKAS

2 Q. If you recall, sir, how did you  
3 gentlemen get together, how did you find  
4 each other?

5 A. Well, I know Dave for several  
6 years. We worked together in the previous  
7 company that I was at.

8 Q. Okay. Thank you.

9 Sir, for the Hempstead Avenue  
10 project we have been talking about, was  
11 Kalnitech the company that was hired to be a  
12 general contractor for the project or were  
13 they hired to be one of the subcontractors  
14 or something else?

15 A. No, we did a certain portion of  
16 work there. We were one of the contractors  
17 on the job.

18 Q. So Kalnitech did certain portions  
19 of work and other companies did other  
20 portions of the work; correct?

21 A. Yes.

22 Q. Sir, was there a general  
23 contractor over Kalnitech on this particular  
24 project or no?

25 A. Aside from David?

1 K. STOUPAKAS

2 Q. Okay. Well, was David, from your  
3 point of view, was David the general  
4 contractor?

5 A. Well, it was his space, so I  
6 guess.

7 Q. I understand it is his space, I  
8 got that part.

9 What I am wondering, did  
10 Mr. Kleeman or any of his companies, did  
11 they have a daily presence on this job site  
12 like a general contractor would?

13 A. Yes.

14 Q. Thank you, sir.

15 I am going to ask you a few  
16 questions next about who we might find on  
17 this job site from day to day, I am going to  
18 ask you those questions next, okay?

19 A. Okay.

20 Q. Thank you.

21 I realize every day on a  
22 construction site can be different, I  
23 realize that, I realize people get sick,  
24 they have vacation days, there is bad  
25 weather days, I understand all that, sir.

1 K. STOUPAKAS

2 But what I want to know is, putting aside  
3 those type of instances, I would like to  
4 know, sir, who was there from Mr. Kleeman's  
5 company or companies on a daily basis doing  
6 construction, would it be one or two guys or  
7 100 guys or you tell me?

8 A. Well, initially, I mean,  
9 initially, Dave would pass by, until it got  
10 to a certain point when his electrical crew  
11 came in. And then he had, I guess, his  
12 foreman there.

13 Q. And when you say his foreman, sir,  
14 I am just clarifying, this is David's  
15 foreman, this is the electric company's  
16 foreman, who did you mean?

17 A. Say that again.

18 Q. Yes, sir, I just want to clarify,  
19 said when David would pass by until it  
20 reached a certain point and then his  
21 electrical people came in, yes?

22 A. Correct.

23 Q. And you mentioned that there  
24 would, there was a foreman that would be  
25 there from that point forward, yes?

1 K. STOUPAKAS

2 A. Yes.

3 Q. And the foreman that you were  
4 thinking about, did he work for one of  
5 Mr. Kleeman's companies, is that your  
6 understanding, or is this a separate,  
7 separate company?

8 A. No, he worked for David, A.S.K.  
9 Electric.

10 Q. Thank you, sir. Do you happen to  
11 recall that person's name, sir, the foreman  
12 who would come in after the electrical  
13 people started working?

14 A. I think the main guy that was  
15 there, was it Duane, I think, Duane Dwight,  
16 I think, something like that.

17 Q. Thank you, sir, if I mentioned a  
18 name of Mr. Duane Hudson, does that ring a  
19 bell, sir, is that the guy?

20 A. I don't remember the last name but  
21 Duane does definitely sound familiar.

22 Q. Fair enough.

23 On this job, was there only one  
24 Duane or was there more than one Duane?

25 A. I only remember one.

1 K. STOUPAKAS

2 Q. And sir, no disrespect to anybody.

3 I was about to ask for a physical  
4 description, but I guess everybody saw the  
5 guy, he was at a department, so I won't.

6 Sir, I want to ask you a few  
7 further questions about who may have been  
8 there on a daily basis, other than sick  
9 days, vacation days and things like that.

10 Sir, is it your understanding, sir  
11 that he was pretty much there day to day,  
12 other than vacation days, sick days, things  
13 like that?

14 A. For the most part, yes, once the  
15 electric started coming in, yes.

16 Q. Thank you, sir.

17 And sir, if you know, if you know,  
18 sir, when Duane was around, when he was, was  
19 he coming and going or would he be there the  
20 whole day?

21 A. No, he was there most, for the  
22 most part, most of the day.

23 Q. Thank you, sir.

24 And sir, from Mr. Kleeman's  
25 company or companies, was there anybody else

1 K. STOUPAKAS

2 that would be found, pretty much day to day  
3 on this construction site when work was  
4 taking place or was it just Duane?

5 A. Other electricians, but I don't  
6 recall all their names.

7 Q. And sir, these electricians you  
8 are thinking of, can you tell me,  
9 approximately, sir, are you thinking of two  
10 guys, 200 guys, how many were there, these  
11 electricians?

12 A. I think early on when they were  
13 doing, I guess, the demo of the electrical  
14 removals, maybe, four, five, six guys. I  
15 don't think there was more than that at any  
16 given time.

17 Q. And sometimes there were less,  
18 yes?

19 A. Yes.

20 Q. Sir, it was your understanding  
21 that these electricians, they worked for one  
22 of Mr. Kleeman's companies; is that your  
23 understanding?

24 A. Yes.

25 Q. And sir, if you know, if you know,



1 K. STOUPAKAS

2 were they working for some company called  
3 Davs Partners or some other company, if you  
4 know, sir, I am looking for the name of the  
5 company of these electrical workers?

6 A. I just assumed that they worked  
7 for A.S.K.

8 Q. Thank you. I understand the space  
9 was being built out in 2019 for A.S.K.  
10 Electrical, I understand, do you know, was  
11 that company, did it exist and operate  
12 somewhere else before this renovation, do  
13 you know?

14 A. Which company?

15 Q. A.S.K. Electrical, do you know  
16 were they operating somewhere else or in  
17 that same space or you don't know, sir?

18 A. Yes.

19 Q. And forgive me for asking, but  
20 when you say yes, yes, they were in the same  
21 space, yes, you know they were somewhere  
22 else?

23 A. No, they had an office prior to  
24 that.

25 Q. In that building or somewhere

1 K. STOUPAKAS

2 else?

3 A. No, somewhere else.

4 Q. Do you remember what part of the  
5 world, approximately?

6 A. It was next to the BQE Gym, off  
7 the BQE. I don't know exactly where it is.

8 Q. Sir, was there anybody else that  
9 would be found day to day on this  
10 construction site from Mr. Kleeman's  
11 companies other than what we already spoke  
12 about?

13 A. Ask the question one more time.

14 Q. Yes, sir.

15 You mentioned that Mr. Kleeman  
16 would stop by sometimes, yes?

17 A. Yes.

18 Q. And he had a foreman who would  
19 stop by after a certain point in the work,  
20 Duane, yes?

21 A. Yes.

22 Q. And he had some electricians  
23 there, yes?

24 A. Yes.

25 Q. Did Mr. Kleeman or his company

1 K. STOUPAKAS

2 have other workers of any sort on this job  
3 site or did we describe everybody?

4 A. I am not following the question.

5 Q. I apologize, sir, that would be my  
6 fault and thank you for stopping me.

7 In addition to Duane and  
8 Mr. Kleeman and the electricians, did  
9 Mr. Kleeman's companies have other workers  
10 or supervisors on this job site?

11 A. Are you referring to other  
12 contractor or other people from his company?

13 Q. Thank you, sir, I appreciate that,  
14 I am trying to be clear and I thank you for  
15 stopping me.

16 Sir, I want to ask you first about  
17 Mr. Kleeman's companies and then I could ask  
18 you about other companies after that, okay?

19 A. Okay.

20 Q. So let me ask a question so I have  
21 a question and an answer so people reading  
22 the book will follow what we are doing.

23 Sir, in addition to Mr. Kleeman  
24 and Duane and Mr. Kleeman's electricians,  
25 did Mr. Kleeman's companies have any other

1 K. STOUPAKAS

2 employees on this job site?

3 A. Aside from Duane, Mr. Kleeman.

4 Q. And the electricians, did the  
5 Kleeman companies have other workers on this  
6 job site or that is everyone, the Kleeman  
7 companies?

8 A. That's everybody.

9 Q. Thank you, sir.

10 And there were other  
11 subcontractors assisting on other portions  
12 of the work, would that be fair?

13 A. Yes.

14 Q. Sir, are the other subcontractors,  
15 do you know, sir, were they hired by  
16 Mr. Kleeman's companies, were they hired by  
17 Kalnitech, who hired the additional  
18 subcontractors?

19 A. Well, I had brought in a few, a  
20 few companies that I dealt with. And David  
21 had brought in some other companies.

22 Q. Thank you, sir, thank you.

23 Sir, I am going to break that down  
24 a little bit, and I have a few questions.

25 Sir, let me move onto the

1 K. STOUPAKAS

2 Kalnitech workers, these are employees of  
3 Kalnitech.

4 A. Okay.

5 Q. What portion or portions of the  
6 work did Kalnitech employees do on this job  
7 site? For example, we did plumbing, we did  
8 sheetrock, we did windows, you tell me, sir,  
9 what portions of the work did your company  
10 do?

11 A. So my portion did a little bit of  
12 demo, a little bit of concrete work, a  
13 little bit of painting, a little bit of  
14 waterproofing in the basement, a little  
15 patching on the roof, if they had leaks  
16 while the stuff was going on.

17 Q. Thank you, sir.

18 Was that pretty much what  
19 Kalnitech was doing or did you think of a  
20 few more things?

21 A. For the most part, you know, just  
22 little knickknacks, yes, hey, I need the  
23 mailbox installed, can we knock this out of  
24 the way, can we patch this.

25 Q. Thank you, sir.

1 K. STOUPAKAS

2 So it sounds like there might have  
3 been some add-ons or change orders over  
4 time; would that be fair?

5 A. Yes.

6 Q. Like a mailbox, would that be an  
7 add-on top of thing?

8 A. It was not a contract per se  
9 basically, I was just providing labor and we  
10 were just doing whatever activities needed  
11 to be done.

12 Q. Thank you, sir.

13 When somebody wanted Kalnitech to  
14 do a little bit more, a mailbox or whatever,  
15 who was telling Kalnitech what these  
16 additional job tasks would be, who was  
17 directing you guys?

18 A. Dave, it would come from Dave.

19 Q. Thank you. And sir, when David or  
20 Mr. Kleeman, when he wanted to give  
21 Kalnitech a little more work or add some  
22 portion to the job, was it mostly a phone  
23 call, was it mostly an e-mail, you tell me,  
24 how would you generally normally  
25 communicate?

1 K. STOUPAKAS

2 A. No, he would call me or if he  
3 would stop by, he would be like, hey, you  
4 know what, I want to do this today, can we  
5 do this.

6 Q. Okay, thank you, sir.

7 Sir, did that project get  
8 completed?

9 A. Did it get completed, yes.

10 Q. And sir, did Kalnitech stay on  
11 until the work was done or did Kalnitech get  
12 replaced later by somebody else?

13 A. No. I think I had finished our  
14 portion of the work some time, like mid  
15 June.

16 Q. So you guys stayed on until you  
17 finished your portion of the work, yes?

18 A. Yes.

19 Q. You were not replaced by somebody  
20 else?

21 A. No, no.

22 Q. Thank you.

23 MR. RICHMAN: Mid June of what  
24 year?

25 THE WITNESS: 2019.

1 K. STOUPAKAS

2 MR. GASTMAN: 2019, the year of  
3 the accident.

4 Q. Sir, I next want to ask you a few  
5 questions, as best as you can recall.

6 Tell us, please, which  
7 subcontractors, either by name or by trade,  
8 which subcontractors did Kalnitech hire for  
9 this project?

10 A. I brought in City Gates, because  
11 he wanted to put some motors on the roll-up  
12 gates outside, I brought in Vetro, who does  
13 the storefronts, I am trying to think who  
14 else. I brought in another contractor who  
15 did the exterior, like the stucco, the  
16 outside.

17 MR. BRIGANTIC: Those are the  
18 invoices that we sent you.

19 MR. GASTMAN: The readers of this  
20 record should know that this 2019 index  
21 case, some additional discovery was  
22 served today, May 11th, 2022. And it  
23 is on my desk. And I am going to do my  
24 best to review it and utilize it today.  
25 Because I am getting stuff late, I am



1 K. STOUPAKAS

2 reserving rights to a further  
3 deposition later, but that's probably  
4 very unlikely.

5 MR. BRIGANTIC: Just so it is  
6 clear. The invoices were produced in  
7 response to the preliminary conference  
8 order. That's fine but just know that  
9 the invoices for what Gus is talking  
10 about are the ones that were produced.

11 MR. GASTMAN: Thank you.

12 Q. Sir, I want to ask you next,  
13 please, about who you recall that the owner,  
14 in other words, Mr. Kleeman and his company,  
15 what subcontractors did they hire, either by  
16 name or by trade, any way you can?

17 A. He had brought in the framers,  
18 carpentry firm who did the frame out.  
19 Obviously, he did his own electrical. He  
20 brought in his mechanical contractor, the  
21 guy who did all the HVAC on the place and  
22 plumber. And, I think, roofer at the end.

23 Q. Thank you, sir. Sir, I heard  
24 about some other company name, let me locate  
25 it, I will ask a few questions about it.

1 K. STOUPAKAS

2 Sir, with regard to the project we have been  
3 talking about, do you know anything about  
4 some company called Jim Associates  
5 Corporation?

6 A. Yes.

7 Q. Did that company have some role on  
8 this project?

9 A. Yes.

10 Q. Who was Jim Associate's, for  
11 example, were they one of the  
12 subcontractors, who are they?

13 A. Yes, they were the subcontractor  
14 that was brought in, I guess, to do the  
15 finishes.

16 Q. And forgive me if this was covered  
17 already, is that like the exterior stucco  
18 work or this is somebody else?

19 A. No, this is all the interior  
20 stuff.

21 Q. This the interior finished work?

22 A. Right.

23 Q. Do you recall who hired Jim  
24 Associates for this project, was it  
25 Kalnitech, Mr. Kleeman or somebody else?

1 K. STOUPAKAS

2 A. Well, they were direct with Dave.

3 Q. Mr. Kleeman hired that company?

4 A. Correct.

5 Q. Mr. Stoupakis, when Kalnitech did  
6 have people on site during construction, did  
7 Kalnitech, the company, supervise any of the  
8 subcontractors?

9 A. Say that again, did they supervise  
10 any of the subcontractors?

11 Q. I apologize, it is my job to be as  
12 clear as I can.

13 Sir, Kalnitech, the company, when  
14 Kalnitech was on site, was that company  
15 supervising any of the subcontractors?

16 A. No.

17 Q. Sir, how about the subcontractors  
18 that were brought in by Kalnitech, was  
19 Kalnitech, the company, supervising those  
20 subcontractors?

21 A. Well, yes.

22 Q. Sir, how about the other  
23 subcontractors, when Kalnitech was on site,  
24 were they supervising any of the  
25 subcontractors hired by the Kleeman people

1 K. STOUPAKAS

2 or no?

3 A. No.

4 Q. So if I said that in another way,  
5 tell me if I am right or wrong, please,  
6 Kalnitech supervised the contractors  
7 Kalnitech brought in but nobody else; would  
8 that be fair?

9 A. Correct.

10 Q. Thank you, sir.

11 Sir, with regard to this project,  
12 did you get to know anybody at Jim  
13 Associates, did you have some go-to person  
14 or name, if you had any questions or issues?

15 A. Say that one more time.

16 Q. Yes, sir.

17 Did you end up with some sort of  
18 go-to person at Jim Associates, someone you  
19 know a name, you could call if you had a  
20 question or something?

21 A. Do I know anybody at Jim  
22 Associates, is that the question?

23 Q. Yes, was there some person that  
24 you recall from this project from Jim  
25 Associates?

1 K. STOUPAKAS

2 A. Yes.

3 Q. And what do you remember, sir, who  
4 was that person?

5 A. George Moscosco.

6 Q. Did Kalnitech or Jim Associates  
7 ever work together somewhere else?

8 A. We worked together at my previous  
9 company.

10 Q. Was that the same previous company  
11 that you mentioned earlier that you knew  
12 Mr. Kleeman from?

13 A. Yes.

14 Q. If you recall, what was the name  
15 of this former company where you made some  
16 connections?

17 A. Masterpiece.

18 Q. For people not familiar with  
19 Masterpiece, is that plumbing, a general  
20 contractor?

21 A. It is a construction firm.

22 Q. Do you know one way or the other,  
23 did Jim Associates' employees do the  
24 interior finishing work or did Jim  
25 Associates subcontract that work out to

1 K. STOUPAKAS

2 other people, if you know, sir?

3 A. No, they did it themselves.

4 Q. I next want to ask you about the  
5 paper log that may have been generated on  
6 this project.

7 Did Kalnitech do any sort of daily  
8 log or daily report where there would be  
9 some general information on the work of the  
10 day?

11 A. Aside from just my man count and  
12 what we were doing, I mean, nothing formal,  
13 if that's what you are asking.

14 Q. The man count you are thinking of,  
15 was this just for Kalnitech people or were  
16 you keeping track of manpower for other  
17 companies?

18 A. No, just Kalnitech.

19 Q. Do you know it all, in anyway, did  
20 any of Mr. Kleeman's companies, were they  
21 doing any daily log for this project, maybe  
22 you heard about, maybe you saw it, or maybe  
23 it doesn't exist?

24 A. I don't know.

25 Q. Let me ask you about your time on

1 K. STOUPAKAS

2 this project, were you there yourself from  
3 time to time, sir?

4 A. Yes.

5 Q. Sir, when you were, were you the  
6 top guy for the company?

7 A. My company, yes.

8 Q. Your company from Kalnitech, you  
9 will be the top guy when you were there?

10 A. Yes.

11 Q. Sir, if you were not there, was  
12 there somebody else from Kalnitech that  
13 would be the top person?

14 A. No, I was there all the time when  
15 work was going on. I would leave maybe for  
16 an hour or two or something like that.

17 Q. You guessed my next question.

18 Sir, with regard to your time on  
19 this project, putting aside vacation days,  
20 sick days, bad weather days, things like  
21 that, were you there pretty much day to day  
22 or would your schedule differ?

23 A. No, I was pretty much there day to  
24 day.

25 Q. On the days you were there day to

1 K. STOUPAKAS

2 day, were you splitting your time between  
3 other jobs, or when you were there, you were  
4 there for the day?

5 A. No, I was there, I was there for  
6 the day, I think some time in, I want to say  
7 probably May. But again, we were wrapping  
8 up at that time, because there were more  
9 trades inside the space and whatnot.

10 Q. I apologize, sir, let me just ask  
11 that again, maybe a little differently.

12 Sir, when you were there, when you  
13 were, were you spending pretty much the  
14 whole day there or were you spending your  
15 day with other projects that you may have  
16 had to visit in the area?

17 A. No, well, most of my time was  
18 spent there.

19 Q. Thank you, sir.

20 And when you were there, sir, you  
21 were directing and supervising, your people,  
22 the Kalnitech people?

23 A. Yes, I was supervising my people.

24 Q. And the subs you brought in?

25 A. Yes.



1 K. STOUPAKAS

2 Q. Sir, let me ask you, if you were  
3 on the project and you were watching the  
4 workers work and you saw one of your subs  
5 doing something that looked dangerous to  
6 you, could you stop them?

7 A. If I saw one of my subs doing  
8 something that they were not supposed to?

9 Q. Yes?

10 A. Then I absolutely would stop them.

11 Q. Sir, I am going to switch gears a  
12 little bit, I am going to ask you a few  
13 questions now about Mr. Reyes Espinoza's  
14 accident.

15 A. Okay.

16 Q. I mentioned his name before,  
17 Stalin Rodrigo Reyes Espinoza, sir, does  
18 that name ring a bell, do you know this guy?

19 A. Well, he is the plaintiff in the  
20 lawsuit.

21 Q. Yes, sir, that is true.

22 But sir, do you know him, like,  
23 did you meet him, would you recognize him if  
24 you saw him, do you know this guy?

25 A. I had seen him once or twice

1 K. STOUPAKAS

2 towards the end, I guess when Jim Associates  
3 started and we were ending, finishing or  
4 whatnot.

5 Q. And is it your understanding that  
6 the plaintiff, Mr. Reyes Espinoza, he was  
7 working for that company, Jim Associates; is  
8 that your understanding?

9 A. Correct.

10 Q. And this is somebody Mr. Kleeman  
11 brought in, right, that company, right,  
12 Mr. Kleeman brought them in, not you?

13 A. Say that again.

14 Q. Yes, sir.

15 This company, Jim Associates, they  
16 were brought in by Mr. Kleeman's companies,  
17 not you; correct?

18 A. When you say brought them in, we  
19 both knew, we both know Jim Associates.

20 Q. For this particular project, can  
21 you tell me which company hired Jim  
22 Associates for this project?

23 A. I would -- Dave, so I would  
24 imagine A.S.K.

25 Q. It was not you, not Kalnitech;

1 K. STOUPAKAS

2 right?

3 A. No.

4 Q. Thank you.

5 Sir, did you, yourself, did you  
6 witness the accident, sir?

7 A. No, I did not.

8 Q. Sir, as far as you know, did any  
9 of the Kalnitech people witness this  
10 accident?

11 A. No. We weren't there at that  
12 time.

13 Q. You are correctly guessing my next  
14 question again, sir, do you know one way or  
15 the other, on the date of the accident,  
16 June 28th, 2019, do you know one way or the  
17 other, did Kalnitech have any people,  
18 anybody on site that day, if you know, sir?

19 A. No.

20 Q. And sir, I mean no disrespect, but  
21 sir, could you tell us please, how do you  
22 know or why do you think there was no  
23 Kalnitech people that there that day?

24 A. Because I wasn't there.

25 Q. And sir, if you know, if you

1 K. STOUPAKAS

2 recall, was this a down day or Kalnitech had  
3 already completely finished and they were  
4 gone, you tell me, sir?

5 A. Yes, we had wrapped up probably a  
6 week or two before. Maybe there was some  
7 punch list items that we had to return back.

8 Q. Thank you, sir.

9 On the day of the accident,  
10 Kalnitech work was down to punch list stage?

11 A. Yes, we were done, we were done at  
12 that point.

13 Q. So unless someone called you back?

14 A. Yes.

15 Q. From Kalnitech's point of view,  
16 you were done?

17 A. Yes.

18 Q. Sir, do you know, did Kalnitech  
19 get called back at all for any punch list  
20 stuff after that date, June 28th, 2019?

21 A. I think the only thing, if I  
22 remember, at some point, the storefront guy  
23 had to come back and do some caulking and  
24 touch-ups and something like that.

25 Q. If you recall, when Kalnitech came

1 K. STOUPAKAS

2 back for that storefront punch list work,  
3 was Kalnitech back for hours, days, weeks,  
4 months, do you know, sir, how long did they  
5 come back?

6 A. It was one day. I met my sub-over  
7 there just to make sure that she did the job  
8 correctly so we don't have to come back.

9 Q. I am going to next ask you a few  
10 questions, so I am giving you a road map. I  
11 am going to ask you a few questions about  
12 equipment and gear that Kalnitech may have  
13 provided, may not have provided, so I am  
14 giving you a little road map.

15 Sir, for the subcontractors hired  
16 by Mr. Kleeman, did Kalnitech provide any  
17 equipment to those subcontractors or no?

18 A. No.

19 Q. With regard to the subcontractors  
20 that Kalnitech did hire, did bring in, sir,  
21 did Kalnitech provide any equipment to those  
22 subcontractors?

23 A. No.

24 Q. Sir, with regard to the  
25 subcontractors that Kalnitech did bring in,

1 K. STOUPAKAS

2 did hire, sir, did Kalnitech provide any  
3 safety gear of any type to those  
4 subcontractors?

5 A. No.

6 Q. Sir, I next want to ask you a few  
7 questions, please, about safety meetings  
8 that you may have been involved in or heard  
9 of or saw, those are my next couple of  
10 questions, okay?

11 A. Okay.

12 Q. Thank you, did any of  
13 Mr. Kleeman's companies, were they holding  
14 any daily or weekly safety meetings that you  
15 know about on this job site?

16 A. Not that I am aware of.

17 Q. Mr. Stoupakis, could you tell us,  
18 please, how did you first become aware of  
19 Mr. Reyes Espinoza's accident, did you get  
20 a phone call, did you get paperwork in the  
21 mail, how did you first find out about this?

22 A. About the accident?

23 Q. Yes.

24 A. I think they called me from the  
25 site. I don't remember if it was Dave that

1 K. STOUPAKAS

2 called me or his foreman.

3 Q. And I realize time has gone by,  
4 sir, the best you can, what were you  
5 informed of, what did they tell you?

6 A. That somebody had fallen, that  
7 somebody had fallen, gotten hurt on the job.

8 Q. Did they mention it was a ladder  
9 accident, he fell from a ladder?

10 A. I don't remember.

11 Q. Thank you, sir.

12 Sir, whoever called you, whoever  
13 it was, you came away with the understanding  
14 that it was a worker from Jim Associates  
15 that was injured; that was your  
16 understanding, sir?

17 A. Yes.

18 Q. And you eventually found out it  
19 was Mr. Reyes Espinoza?

20 A. Yes.

21 Q. Did anybody ever take you to the  
22 location of accident to show you?

23 A. No.

24 Q. How about at any time, for any  
25 reason, did anybody ever point out to you,

1 K. STOUPAKAS

2 hey, here, this is where the accident  
3 happened?

4 A. I had passed by later on this the  
5 day and they had told me that, I think he  
6 was working by the closet area in the  
7 garage, I think.

8 Q. And I may not have heard you  
9 correctly, I may not have, did you stop by  
10 after you got this call, you went over  
11 there?

12 A. Later on, at the end of the day.

13 Q. Did anybody point out the ladder  
14 or the accident location to you?

15 A. No, they just had said that he had  
16 fallen from, I think, the closet area, I  
17 think it was in the back of the garage.

18 Q. Did anybody ever point out a  
19 ladder to you and say, yes, that one, did  
20 anybody ever show you a ladder?

21 A. I don't remember.

22 Q. Sir, putting aside lawyer  
23 conversations, put that aside, I am not  
24 allowed to ask you about that, sir, did you  
25 ever come to learn of any witnesses to the



1 K. STOUPAKAS

2 accident, somebody who actually saw what  
3 happened?

4 A. Say that again.

5 Q. Sir, putting aside lawyer  
6 conversations, I am not allowed to ask you  
7 about that, sir, did you ever come to know  
8 of any witnesses to the accident?

9 A. No, I don't know.

10 Q. Sir, did Mr. Kleeman ever tell you  
11 whether he was there on the day of the  
12 accident, did he ever tell you yes or no?

13 A. I don't remember.

14 Q. Did Mr. Kleeman ever give you,  
15 have an understanding of which people were  
16 there from the Kleeman companies? Did you  
17 ever find out who was there?

18 A. Say that again.

19 Q. Did you ever come to learn who was  
20 there on the job site on the day of the  
21 accident, from Mr. Kleeman's companies?

22 A. I think Duane was there when I got  
23 there at the end of the day. I mean, I  
24 don't know who else was there earlier.

25 Q. Sir, when you saw Duane that day,

1 K. STOUPAKAS

2 did Duane give you any further information  
3 other than what we already spoke about?

4 A. No.

5 Q. Do you know, one way or the other,  
6 was there any video, surveillance, photo  
7 gear set up at the job site that may have  
8 captioned this accident when it happened?

9 A. I don't know.

10 Q. Did anybody ever tell you that  
11 there are pictures or videos of the accident  
12 itself? Did anybody ever tell you that?  
13 Other than your lawyers, don't tell me that.

14 A. No.

15 (Whereupon, a short recess was  
16 taken.)

17 Q. Sir, with regard to the project we  
18 have been talking about, do you know any  
19 company called Marfi Contracting, M-A-R-F-I?

20 A. Yes.

21 Q. What part of the job did they do?

22 A. They did the spray foam  
23 insulation.

24 Q. Was Marty one of the  
25 subcontractors hired by Kalnitech or not

1 K. STOUPAKAS

2 hired by Kalnitech?

3 A. No, they were one of the subs that  
4 I brought on.

5 Q. Do you know what trade or trades  
6 were working at the project on the date of  
7 the accident, June 28th, 2019? We heard  
8 about Jim Associates, but do you know, sir,  
9 were there other trades working that day, if  
10 you know?

11 A. I don't recall.

12 (Whereupon, an off-the-record  
13 discussion was held.)

14 Q. Mr. Stoupakis, with regard to the  
15 job that we have been talking about today,  
16 did Jim Associates and company, were they  
17 sometimes sending you the proposals instead  
18 of Mr. Kleeman, does that sound right?

19 A. Say that again.

20 Q. Yes, sir.

21 With regard to the project we have  
22 been talking about today, the Hempstead  
23 Avenue job, did Jim Associates, the company,  
24 sometimes submit their proposals to you,  
25 Gus, rather than Mr. Kleeman?

1 K. STOUPAKAS

2 A. No.

3 Q. Was there another Gus on this job  
4 that you know of, sir, or are you the only  
5 Gus on this job site that you know of?

6 A. I am the only Gus that I know of.  
7 (Whereupon, an off-the-record  
8 discussion was held.)

9 Q. Putting aside lawyer  
10 conversations, is there anything more about  
11 this action that you know about that we  
12 didn't talk about yet?

13 MR. BRIGANTIC: Objection to the  
14 form of the question, but he could  
15 answer.

16 A. Say that again one more time.

17 Q. Putting aside lawyer  
18 conversations, because I am not allowed to  
19 ask you about that, sir, is there anything  
20 more about this accident that we have not  
21 spoken about yet?

22 A. Do I know anything more about this  
23 accident that we have not spoken about yet?

24 Q. Yes, sir?

25 A. Like what?

1 K. STOUPAKAS

2 Q. Any details, who was there, what  
3 happened, anything?

4 A. Aside from everything that I have  
5 told you, no, that's it.

6 MR. GASTMAN: Thank you, sir.

7 I have no other questions for this  
8 witness today. I thank you all for  
9 your time. I thank you, Counsel, for  
10 the discovery we received so far.  
11 Special thanks for Madam Reporter.

12 I will stand by for other  
13 questions, if you have any.

14 EXAMINATION BY

15 MR. KRICHMAN:

16 Q. Mr. Stoupakis, good afternoon. I  
17 represent the defendant in this lawsuit,  
18 Davs Partners, LLC. I am also going to ask  
19 you a couple of questions. I am not going  
20 to repeat anything that was already asked  
21 you, but I may just go into a little  
22 different areas that are in the same  
23 category of what Mr. Gastman asked you?

24 A. Okay.

25 Q. With the same provisos, if you

1 K. STOUPAKAS

2 don't understand something, let me know and

3 don't guess at any of your answers, okay?

4 A. No problem.

5 Q. Do you know the name, D-A-V-S

6 Partners, LLC?

7 A. Yes.

8 Q. Did you know that name prior to

9 the commencement of this lawsuit?

10 A. Yes.

11 Q. And when did you first learn about

12 the name, Davs?

13 A. I guess when they brought the

14 mailbox saying that he is going to be

15 receiving mail at that time. Because the

16 post office was not delivering yet.

17 Q. And who was the person or persons

18 that told you what the name, Davs Partners

19 were?

20 A. Dave.

21 Q. Was that before you were hired to

22 work on this project?

23 A. No, I think it was after or

24 during.

25 Q. And when you are referring to

1 K. STOUPAKAS

2 Dave, you are referring to Dave Kleeman;  
3 right?

4 A. Yes.

5 Q. What did Dave Kleeman say to you  
6 who Davs Partners was?

7 A. Davs was the owner of the  
8 property.

9 Q. And was it your understanding that  
10 A.S.K. Electric was going to physically  
11 occupy the premises?

12 A. Yes.

13 Q. And was it also your understanding  
14 that Davs Partners and A.S.K. Electric, both  
15 of those entities were owned by David  
16 Kleeman?

17 A. Say the question one more time.

18 Q. Did you have an understanding as  
19 to whether or not Dave Kleeman owned Davs  
20 Partners as well as A.S.K. Electric?

21 A. I believe he was one of the owners  
22 of Davs.

23 Q. Did you ever learn who the owner  
24 of Davs was?

25 A. I just assumed it was his

1 K. STOUPAKAS

2 daughters, Elana, Vanessa and Shayna.

3 Q. Did anyone ever tell you that or  
4 are you just assuming?

5 A. No, I am just assuming.

6 Q. Shayna was who related to David  
7 Kleeman?

8 A. Shayna was his daughter.

9 Q. Who was Vanessa?

10 A. Vanessa was his wife.

11 Q. When Mr. Gastman asked you who  
12 hired you, Mr. Gastman asked you a question  
13 who hired your company Kalnitech to perform  
14 services?

15 A. David, David did.

16 Q. Now, when you say David, now, the  
17 hiring of your services, Kalnitech services  
18 was done verbally as opposed to a written  
19 agreement; correct?

20 A. Yes.

21 Q. And when you say David hired you,  
22 can you be more particular about which  
23 entity or maybe both entities or somebody  
24 else hired Kalnitech to perform services on  
25 the project?



1 K. STOUPAKAS

2 MR. BRIGANTIC: Objection to the  
3 form of the question. But you could  
4 answer.

5 A. A.S.K. Electric.

6 Q. A.S.K. Electric?

7 A. Right.

8 Q. Did Davs ever hire Kalnitech to  
9 your knowledge?

10 A. No.

11 Q. And originally, there was a  
12 question asked about various subcontractors  
13 that, quote-unquote, you brought in and  
14 various subcontractors that David brought  
15 in; do you recall that line of questioning?

16 A. Yes.

17 Q. And I believe you testified that  
18 both you and David knew Jim Associates;  
19 correct?

20 A. Yes.

21 Q. And that was in connection with  
22 your prior company, right?

23 A. Yes.

24 Q. And did you have a conversation  
25 with David about bringing tin Jim Associates

1 K. STOUPAKAS

2 to do work on the project?

3 A. He probably asked me do I have  
4 anybody I could recommend. And I had told  
5 him you could go with Moscosca because he  
6 knew his work. We had all worked together  
7 on a previous project many years ago.

8 Q. And it is your understanding that  
9 David or A.S.K. hired Jim Associates, not  
10 Kalnitech; correct?

11 A. Correct.

12 Q. Did you ever have a conversation  
13 with David Kleeman along the lines that Jim  
14 was going to be a subcontractor of  
15 Kalnitech, but that notwithstanding, they  
16 were going to be a subcontractor of  
17 Kalnitech, A.S.K. was going to pay Jim  
18 directly?

19 MR. BRIGANTIC: Object to the form  
20 of the question, but you could answer.

21 A. No, never.

22 Q. Did you have a conversation,  
23 something along those lines?

24 A. No.

25 Q. So it was your understanding that

1 K. STOUPAKAS

2 clearly Jim Associates was a subcontractor  
3 of A.S.K. and not Kalnitech; correct?

4 A. Correct, they had met, I guess  
5 they discussed the scope of the work, they  
6 agreed to, I guess, a number and, you know  
7 it, that was it.

8 Q. Did you ever supervise any of Jim  
9 Associates work?

10 A. No.

11 No, at that point in time, they  
12 were in the finish it, so Dave was around a  
13 lot more often.

14 Q. So your company had no involvement  
15 with supervising of any of Jim Associates  
16 work?

17 A. No.

18 Q. Now, your attorney provided a  
19 certificate of insurance and date of the  
20 issuance of this certificate of insurance  
21 was dated July 16, 2019. And it refers to  
22 Kalnitech, your company, as the insured and  
23 the certificate holder as an additional  
24 insured to be A.S.K. Electrical Contracting  
25 Corp.

1 K. STOUPAKAS

2 Do you recall having your company  
3 buy insurance from Falls Lake Insurance  
4 company in connection with in project.

5 MR. BRIGANTIC: What was that  
6 question?

7 Q. Do you recall Kalnitech purchasing  
8 insurance from Falls Lake Insurance in  
9 connection with this project?

10 A. Falls Lake Insurance was my  
11 insurance carrier.

12 Q. Did they issue insurance to  
13 Kalnitech with regard to this project?

14 A. Yes.

15 Q. And was A.S.K. Electric named as  
16 an additional insured on the Falls Lake  
17 Insurance, as far as you know?

18 A. Yes, I believe so.

19 Q. And that was effective January  
20 2nd, 2019; correct?

21 A. No.

22 Q. January 3, 2019?

23 A. No, January 3rd is when, I  
24 believe, my insurance policy began. We were  
25 requested to provide the ACORD sometime in

1 K. STOUPAKAS

2 2019.

3 Q. Who requested the ACORD  
4 certificate?

5 A. I don't remember if it was an  
6 e-mail from Dave or Kavita from his office.

7 Q. What is your understanding of who  
8 Kavita is?

9 A. Kavita is, I would say, like,  
10 office manager who handles the books over  
11 there.

12 Q. So this ACORD certificate that  
13 your lawyer produced today is dated  
14 July 16th, 2019 naming as additional  
15 insured, A. S.K. Electric, is that the first  
16 time, to your understanding, that that  
17 request was made by David Kleeman?

18 A. Yes.

19 Q. July 16th, 2019?

20 A. Yes.

21 Q. And were you working on the  
22 project on July 16th, 2019?

23 A. July, no, like I said, the bulk of  
24 my work was already done. If I was there,  
25 maybe just for like some punch list items

1 K. STOUPAKAS

2 and whatnot. I don't recall.

3 Q. So tell me the reason why you  
4 named and provided A.S.K. Electric as an  
5 additional insured on July 16th, 2019?

6 A. Because they had sent an e-mail  
7 saying that we need insurance. And we can't  
8 cut any more checks, unless you have  
9 insurance on file with us.

10 Q. As of July 16th, 2019, your work  
11 was completed, except for some minor punch  
12 list items; correct?

13 A. Correct.

14 Q. Sir, were permits taken out on  
15 this job in connection with work that you  
16 performed?

17 A. Yes.

18 Q. And those were requested by  
19 Kalnitech with the DOB; correct?

20 A. Yes.

21 Q. And you have copies of those  
22 permits?

23 A. I don't remember if I have a copy.

24 Q. Do you have a copy of any  
25 paperwork that you submitted to DOB in

1 K. STOUPAKAS

2 connection with obtaining the permits?

3 A. No, I believe Dave's expediter had  
4 done all the paperwork and just listing me,  
5 I guess, on the forms.

6 Q. Did you see the forms that David's  
7 expediter prepared for submission to the DOB  
8 before they were submitted to DOB?

9 A. Did I see them, I am sure I did.  
10 I had to sign them and send them back.

11 Q. So that's my next question.

12 So the forms that were prepared by  
13 Dave's expediter, and an expediter, your  
14 understanding of an expediter, they are, is  
15 somebody that an owner would engage to  
16 obtain permits from the DOB on an expedited  
17 basis?

18 MR. BRIGANTIC: Object to the form  
19 of the question, but he could answer.

20 A. Yes.

21 Q. So Dave's expediter, after he or  
22 she prepared the forms for submission to  
23 DOB, sent them to you for your signature;  
24 correct?

25 A. Yes.

1 K. STOUPAKAS

2 Q. And did you review the forms that  
3 were being submitted to the DOB?

4 A. Just looked where I needed to sign  
5 and just sign.

6 Q. And did you see any information on  
7 the forms at the time that you signed it  
8 that was incorrect?

9 A. I don't recall. Like I said, I  
10 don't recall actually reviewing the  
11 paperwork.

12 Q. Do you recall that on those forms  
13 that were submitted to DOB about that you  
14 signed, you listed Kalnitech as a general  
15 contractor on this project?

16 MR. BRIGANTIC: Objection to the  
17 form of the question. Has the document  
18 been produced, that you are referring  
19 to?

20 MR. RICHMAN: No.

21 MR. BRIGANTIC: Is there a reason  
22 why it has not been produced?

23 MR. RICHMAN: I don't have a copy.  
24 We are trying to find it.

25 MR. BRIGANTIC: Then I object to



1 K. STOUPAKAS

2 the question.

3 MR. RICHMAN: You could object. I  
4 am asking him the question.

5 MR. BRIGANTIC: Wait a minute, you  
6 are asking him what is in a document  
7 that you have never seen.

8 MR. RICHMAN: I am asking him if  
9 he recalls, what is wrong with that  
10 question? If he says he doesn't  
11 recall, he doesn't recall.

12 MR. BRIGANTIC: With my objection,  
13 can you restate the question and he  
14 could answer.

15 Q. Sir, you already testified that  
16 you signed a form on this project that was  
17 submitted to the DOB; correct?

18 A. Yes.

19 Q. And you don't recall whether or  
20 not on the form that you signed that was  
21 submitted to the DOB, whether or not you  
22 were listed as a general contractor on this  
23 project?

24 A. I don't recall.

25 Q. Do you know whether or not A.S.K.

1 K. STOUPAKAS

2 was listed as the general contractor?

3 A. I don't know, I don't recall.

4 Q. Is it your understanding that  
5 Kalnitech was listed as a general contractor  
6 as far as the DOB was concerned?

7 A. Say that again.

8 Q. Is it your understanding that  
9 Kalnitech was listed as a general contractor  
10 to the DOB?

11 MR. BRIGANTIC: Objection to the  
12 form of the question. But you could  
13 answer it.

14 A. Do I know if I was listed, if  
15 Kalnitech was listed as a general  
16 contractor, is that the question?

17 Q. That's the question?

18 A. No, I don't know if we were  
19 listed, like I said, I didn't prepare the  
20 paperwork.

21 Q. Did you receive any documents from  
22 the DOB listing Kalnitech as a general  
23 contractor?

24 A. Did I receive anything from DOB  
25 listing?

1 K. STOUPAKAS

2 Q. Kalnitech as a general contractor,  
3 yes, did you?

4 A. Yes.

5 Q. And when did you receive that  
6 information or documents?

7 A. I don't recall, whenever we filed  
8 for, whenever we filed the paperwork for  
9 DOB.

10 Q. What is your understanding as to  
11 what you were informed by DOB?

12 A. Say that again.

13 Q. What was your understanding of  
14 what you saw?

15 A. I don't understand the question,  
16 what was my understanding of what I saw?

17 Q. Yes, from DOB, did you receive  
18 anything from DOB listing Kalnitech as a  
19 general contractor?

20 A. We applied for our general  
21 contractor's license. With DOB, if that's  
22 what you are asking.

23 Q. No, I am talking about with regard  
24 to obtaining permits on this job?

25 MR. BRIGANTIC: He is referring to

1 K. STOUPAKAS

2 this job or just his general.

3 MR. RICHMAN: I am referring to  
4 this project.

5 MR. BRIGANTIC: I think he is  
6 testifying, generally, I think that's  
7 the issue.

8 THE WITNESS: Everything is  
9 general.

10 MR. RICHMAN: Fair questioning,  
11 let me clarify.

12 Q. Did you file or sign documents as  
13 the general contractor for this project?

14 A. No.

15 Q. Do you know who did?

16 A. I don't know.

17 Q. Did you ever see any documents or  
18 receive any information from DOB listing  
19 Kalnitech as the general contractor on this  
20 project?

21 A. What documents, specifically, are  
22 you asking on? Because I am not sure I  
23 understand.

24 Q. Any documents at all from DOB?

25 A. Did we receive anything from DOB

1 K. STOUPAKAS

2 saying that we are a general contractor on  
3 this project? No, not that I recall.

4 MR. RICHMAN: I am going to ask  
5 you to search your records and produce  
6 any documents at all of any involvement  
7 between Kalnitech, your company and DOB  
8 regarding this project, okay.

9 MR. BRIGANTIC: We will take the  
10 request under advisement. But we have  
11 already searched for all the job  
12 documents concerning this and have  
13 produced what the witness has. But we  
14 will take your request under  
15 advisement.

16 THE WITNESS: Do I need to write  
17 it down?

18 MR. RICHMAN: Your attorney will  
19 let you know.

20 MR. BRIGANTIC: I will confer with  
21 you regarding that.

22 (Whereupon, at 1:50 P.M., the  
23 Examination of this witness was  
24 concluded.)

25 ° ° ° °

1 K. STOUPAKAS

2 D E C L A R A T I O N

3  
4 I hereby certify that having been first  
5 duly sworn to testify to the truth, I gave  
6 the above testimony.  
7

8 I FURTHER CERTIFY that the foregoing  
9 transcript is a true and correct transcript  
10 of the testimony given by me at the time and  
11 place specified hereinbefore.  
12  
13  
14

-----  
15 KOSTAS STOUPAKIS  
16  
17

18 Subscribed and sworn to before me  
19 this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.  
20  
21

-----  
22 NOTARY PUBLIC  
23  
24  
25

K. STOUPAKAS

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K. STOUPAKAS

C E R T I F I C A T E

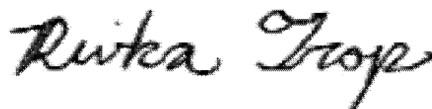
STATE OF NEW YORK )  
: SS.:  
COUNTY OF QUEENS )

I, RIVKA TROP, a Notary Public for and  
within the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

I further certify that I am not related  
to any of the parties to this action by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 25th day of May, 2022.



RIVKA TROP



CASE NAME: Reyes Espinoza, Stalin v. DAVS Partners LLC  
DATE OF DEPOSITION: 5/11/2022  
WITNESSES' NAME: Kostas Stoupakis

[illegible]

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MY COMMISSION EXPIRES:

[&amp; - attorneys]

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New York Code

Civil Practice Law and Rules

Article 31 Disclosure, Section 3116

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him or her, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath. If the witness fails to sign and return the deposition within sixty days, it may be used as fully as though signed. No changes to the transcript may be made by the witness more than sixty days after submission to the witness for examination.

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